

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER LAIRD

Plaintiff,

-vs-

Case No: 08 CV 0888

McALLISTER TOWING,

Defendant.

_____/

ROBERTA E. ASHKIN (#115461515)

Local Counsel

580 Broadway, Ste. 906

New York, NY 10012

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_____/

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, Roberta E. Ashkin, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Jurisdiction is founded under the Jones Act (46 USC 30104) for negligence, and under the General Maritime Law for maintenance, cure, and wages.
3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On or about June 15, 2007, Defendant's vessel the M/V Elizabeth McAllister was shorthanded, and its Captain sent a deckhand over to Plaintiff's vessel, the Theresa McAllister to get Plaintiff to come and help take a barge from one dock to another. The deckhand Plaintiff was required to work with was inexperienced, unfit for the calling, or otherwise unqualified and negligently handled a winch wire by depositing same in the water requiring Plaintiff to pull it out resulting in injury because of said failure to provide a safe place to work and unseaworthy vessel.

5. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, inter alia, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Found;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

/s/ Roberta E. Ashkin

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Dated: January 16, 2008

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff by and through counsel undersigned, Roberta E. Ashkin, and hereby
demands trial by jury in the above-referenced cause of action.

/s/ Roberta E. Ashkin

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